

**BOROUGH OF WIND GAP
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Administering the Oath of Office to Mayor - At this time the Honorable Craig A. Dally, Judge of the Court of Common Pleas of Northampton County, Pennsylvania administered the Oath of Office to Mayor Elect James M. Shoemaker.

The Council reorganizational meeting of the Borough of Wind Gap on Monday, January 4, 2010, was called to order at 7:30 p.m. by Mayor James M. Shoemaker. In attendance were Councilmen: Kerry Gassler, George Hinton, and Joe Weaver. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

Administering the Oath of Office to Councilmen - At this time Mayor Shoemaker administered the Oath of Office to: Anthony Curcio, David Hess, John Maher and Scott Parsons. Council then took their seats.

Mayor Shoemaker then proceeded with the order of business by seeking nominations for Council President. Council made the following: **On nomination** by Tony Curcio for Scott Parsons to hold the position of Council President. Voting for Scott Parsons: T. Curcio, K. Gassler, D. Hess and G. Hinton. Scott was appointed Council President.

The next item of business was Mayor Shoemaker seeking nominations for Council Vice President. Council made the following: **On nomination** by Scott Parsons for George Hinton, Jr. to hold the position of Council Vice President. Voting for George Hinton, Jr.: K. Gassler, D. Hess, G. Hinton and J. Maher. George was appointed Council Vice President.

Mayor Shoemaker turned the meeting over to Council President Scott Parsons, at which time Scott reminded those present that the meeting was being recorded

APPOINTMENTS

The Appointment of Committee chairmen, re-appointment of professional services and board appointments was tabled until the January 19, 2010 Council meeting.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses in the amount of \$24,253.17 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of December are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Review of Gassler Subdivision Plan re: SALDO Waivers.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Review proposed Cable Franchise Agreement with RCN with recommendation to retain the Cohen Telecommunications law firm.

Developments on Outstanding Litigation: Receipt, review and administration of Real Estate Tax Assessment Appeal in Right Pedal Holdings, LLC. Receipt, review and administration of Real Estate Tax Assessment Appeal in Walden III Associates. Prepare (and file) full Complaint in PPL Cell Tower Lawsuit. Cancellation Correspondence of Arbitration in Police Arbitration Case.

Court Decisions on Borough Cases: N/A

Miscellaneous: Prepare Ordinance, Advertising Notice and all e-mail transmission and Enclosure Correspondence (Three) for Borough Ordinance No. 471 re: 2010 Real Estate Tax Millage.

Preparation of Monthly Solicitor's Report. Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters and make and receive telephone calls.

Outstanding Items: Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending. Ordinance for loitering, begging and panhandling – pending but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

Louise Firestone added that she contacted Dan Cohen, Cohen & Associates, regarding the RCN Cable Franchise Agreement. She was informed that the Slate Belt COG is investigating the possibility of several municipalities going together in conjunction with Northampton County. Scott asked Mayor Shoemaker to find out any information regarding this topic at the next COG meeting.

ENGINEER'S REPORT

Brian Pysher reported that the West Street culvert project specifications have been prepared and should be ready to put out to bid in early spring. He is still working on the Alpha Road and Lehigh Avenue projects specifications. He informed Council that Jack Muschlitz has made a major subdivision submission for his property on West Street. There are some zoning issues and waivers that he is requesting. The plan is before the Planning Commission Board this Thursday, January 7, 2010. The waivers should be discussed, but the commission might recommend that he come before Council to get some feedback before he proceeds with this project. Mr. Muschlitz has several SALDO waivers which have to be recommended by the Planning Commission and also approved by Borough Council before they are finalized. Some are significant to the infrastructure of the development.

Paul Levits, Wind Gap Municipal Authority, stated that the development quasi submitted for a letter to serve for the sewer authority. It is his understanding that this is going to be a gated community. Brian Pysher replied that it is a private, gated community. Paul expressed some concern on behalf of the Authority and requested being part of the planning process at least for comments and input so they are aware of the plans from the beginning and not after the fact. There are questions regarding easements, who owns the lines or who doesn't own the lines if this is a private community. Brian stated that his initial review of the plan indicates that the developer is proposing easements in favor of the Authority and their intent was for the Authority to take over the lines. Brian will advise the developer to submit one extra copy of the plan to be forwarded to the Authority. If the Authority has any comments, he can be contacted directly and he will provide the Authority with his review letters.

NEW BUSINESS

Mayor Shoemaker asked Council to consider the letter received from Jon Faust regarding his interest in a vacant seat on the Wind Gap Municipal Authority. Scott replied that all committee and board appointments would be done at the Council's mid-month meeting.

Dave Hess stated that he received a complaint from a resident regarding a garbage dumpster being dumped in the wee hours of the morning between 3:00 a.m. or 4:00 a.m. He asked the Zoning Officer and was advised that there is nothing in the ordinance specifying when garbage can or cannot be dumped. Scott stated that it might not be a Waste Management garbage truck because other haulers service businesses in the Borough. Scott asked the Zoning Officer to contact the trash collectors (Herceg and Waste Management) and ask that they do not remove garbage at that time of day.

OLD BUSINESS

Dave Hess requested that the street department salt the Firehouse parking lot because it is covered by ice. George will inform the street workers.

On motion by Tony Curcio to adjourn the meeting of January 4, 2010. Council agreed unanimously.

The meeting of January 4, 2010 adjourned at 7:50 p.m.

Louise Firestone, Borough Administrator